

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HARD ROCK CAFÉ INTERNATIONAL	:	
(USA), INC.,	:	ECF CASE
Plaintiff,	:	
	:	
-against-	:	
	:	10 CV 7244 (WHP)
HARD ROCK HOTEL HOLDINGS, LLC, et	:	
al.,	:	
Defendants.	:	
	:	
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**NOTICE OF (1) EQUITY HOLDER DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM AND (2) HARD ROCK DEFENDANTS'
PARTIAL MOTION TO DISMISS, TO COMPEL ARBITRATION
AND FOR A STAY PENDING ARBITRATION**

PLEASE TAKE NOTICE that, upon the accompanying (i) memorandum of law and (ii) declaration of Julie M. Calderon Rizzo (and exhibits thereto), the undersigned, counsel to Defendants Hard Rock Hotel Holdings, LLC, HRHH IP, LLC and Hard Rock Hotel, Inc. (collectively "Hard Rock Defendants") and Morgans Hotel Group Co., Morgans Hotel Group Management LLC, Morgans Group LLC, DLJMB HRH VoteCo LLC, DLJ MB IV HRH, LLC and DLJ Merchant Banking Partners IV, L.P. (collectively "Equity Holder Defendants"), will move this Court, at a hearing that the Court has scheduled for January 28, 2011 at 500 Pearl Street, Courtroom 11D, New York, New York for an order (i) dismissing the Complaint against Equity Holder Defendants in full for failure to state a claim, pursuant to Rules 12(b)(6) and 8(a)(2) of the Federal Rules of

Civil Procedure, (ii) dismissing the claim for breach for breach of Article 6(a) of the License Agreement against Hard Rock Defendants based on the “Rehab” television show for failure to state a claim, pursuant to Rule 12(b)(6), and (iii) indefinitely staying all proceedings related to claims concerning the quality of the services and premises at the Hard Rock Hotel and Casino in Tulsa, Oklahoma and the Hard Rock Hotel and Casino in Albuquerque, New Mexico, as well as the quality and content of the “Rehab” television show, and directing that Plaintiff may pursue those claims solely through arbitration before the American Arbitration Association, pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 3-4.

Dated: New York, New York
December 17, 2010

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